THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 21982 of 2005

Date: 07.10.2005

Between:

M/s. Aruna Ancillary Industries, Unit No.B-10,
B.H.E.L. Ancillary Estate, Ramachandrapuram,
Hyderabad-32 rep. By its Proprietor K.Bhavanarayana

…Petitioner

and

1)The Assistant Provident Fund Commissioner
(Recovery), Sub-Accounts Office, Patancheru
& 3 others

…Respondents

ORDER:

Heard the learned counsel for the petitioner and the standing counsel appearing for the respondents.

Challenging the proceedings of the first respondent dated 21.04.2005, the present Writ Petition is filed. The impugned order, which is a show-cause notice-cum-levy order, shows that certain penal damages and interest have been estimated by the authorities. The authority or jurisdiction of the officer who passed the order is not under challenge. So also, it is not the case of violation of principles of natural justice or statutory right of the petitioner. The petitioner is ready to pay interest as demanded. The impugned order is appellable under Section 7-I of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

The Writ Petition is, accordingly, disposed of directing the petitioner to file appeal before the competent appellate authority within a period of four weeks from today, and on such filing, the same shall be disposed of in accordance with law after giving reasonable opportunity to the petitioner. Till such time, there shall be no recovery with regard to penal damages. The petitioner shall pay the interest as demanded in the impugned order within a period of four weeks from today. No costs.

(K.C.Bhanu, J.)

07.10.2005

DRK